

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

NOV 30 2010

JULIA C. DUDLEY, CLERK
BY: *H. McDonald*
DEPUTY CLERK

In accordance with the written memorandum opinion entered this day, it is hereby

ORDERED

that plaintiff's motion for leave to proceed in forma pauperis is **GRANTED**; the complaint is **DISMISSED without prejudice** for failing to state a claim upon which relief may be granted, pursuant to 28 U.S.C. §§ 1915(e)(2)(B)(ii) and 1915A(b)(1); and the case is **STRICKEN** from the active docket of the court.

The Clerk is directed to send copies of this order and the accompanying memorandum opinion to the plaintiff.

ENTER: This 30th day of November, 2010.

Jackson R. Fiske
Senior United States District Judge